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In re Application of
GRANGER, Jacques, et al.
Application No.: 09/926,290
PCT No.: PCT/FR00/00992
Int. Filing Date: 17 April 2000
Priority Date: 20 April 1999
Attorney Docket No.: 01183
For: COMPOSITE SEALING CAP

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to applicants' "Request To Withdraw Holding of Abandonment," filed on 08 May 2002. No petition fee is due.

BACKGROUND

On 17 April 2000, applicants filed international application PCT/FR00/00992. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 26 October 2000. A demand for international preliminary examination was filed 07 September 2000, prior to the expiration of nineteen months from the priority date. The deadline for entry into the national stage in the United States was thirty months from the priority date, 22 October 2001 (20 October 2001 was a Saturday).

On 09 October 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 15 November 2001, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 April 2002, the Office mailed a Notification of Abandonment indicating that the application went abandoned for failure to respond to the Notification of Missing Requirements mailed 15 October 2001.

On 08 May 2002, applicants filed the instant petition under 37 CFR 1.181, accompanied by, *inter alia*, two postcard receipts and a declaration.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The 30 October 2001 postcard receipt lists, *inter alia*, the declaration. The postcard receipt is date stamped and indicates the applicants, the serial number and the title of the application. The postcard receipt is not annotated to indicate the declaration was not received.

The postcard receipt is adequate evidence the declaration was received on 30 October 2001.

The petition states that the letter and declaration are copies of those submitted on 30 October 2001 and the statement is signed by someone registered to practice before the office.

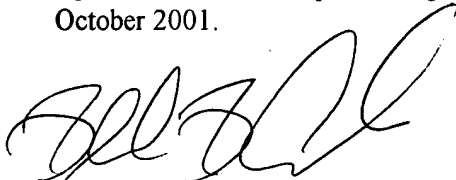
A review of the declaration reveals that it is in compliance with 37 CFR 1.497(a)-(b) and that applicants have satisfied the requirements under 35 U.S.C. §371.

CONCLUSION

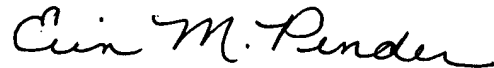
For the reasons set forth above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment mailed 29 April 2002 is hereby VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. §371(c) date is 30 October 2001.



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